

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9072 of 1997

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PR LIMBAD

Versus

STATE OF GUJARAT  
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Appearance:

MR BD KARIA for Petitioner  
GOVERNMENT PLEADER for Respondent No. 1-2-3  
NOTICE SERVED BY DS for Respondent No. 4  
MR MUKUND M DESAI for Respondent No. 5

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SPECIAL CIVIL APPLICATION No 9074 of 1997

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PR VADODARIA

Versus

STATE OF GUJARAT  
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Appearance:

MR BD KARIA for Petitioner  
NOTICE SERVED for Respondent No. 1  
NOTICE UNSERVED for Respondent No. 3  
MR MUKUND M DESAI for Respondent No. 5

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Special Civil Application No 3573 of 1998

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DC CHAUHAN

Versus

STATE OF GUJARAT  
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Appearance:

MR BD KARIA for Petitioner  
NOTICE SERVED BY DS for Respondent No. 1  
MR MANGESH R MENGDEY for Respondent No. 4  
MR RAMNANDAN SINGH for Respondent No. 5

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SPECIAL CIVIL APPLICATION No 3574 of 1998

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DAKSHINI               Versus               STATE               OF               GUJARAT  
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MR BD KARIA for Petitioner  
NOTICE SERVED BY DS for Respondent No. 1 -2-3  
MR MANGESH R MENGDEY for Respondent No. 4  
MR VH DESAI for Respondent No. 5  
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SPECIAL CIVIL APPLICATION No 3575 of 1998

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VI PATEL  
Versus  
STATE OF GUJARAT  
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Appearance:  
MR BD KARIA for Petitioner  
NOTICE SERVED BY DS for Respondent No. 1-2-3  
MR MANGESH R MENGDEY for Respondent No. 4  
NOTICE SERVED for Respondent No. 5  
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SPECIAL CIVIL APPLICATION No 3576 of 1998

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GM PATEL  
Versus  
STATE OF GUJARAT  
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Appearance:  
MR BD KARIA for Petitioner  
NOTICE SERVED BY DS for Respondent No. 1  
NOTICE UNSERVED for Respondent No. 3  
MR MANGESH R MENGDEY for Respondent No. 4  
NOTICE SERVED for Respondent No. 5  
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AN KARIA

Versus

STATE OF GUJARAT  
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Appearance:

MR BD KARIA for Petitioner

NOTICE SERVED BY DS for Respondent No. 1-2

SERVED BY RPAD - (N) for Respondent No. 3

MR MANGESH R MENGDEY for Respondent No. 4

MR VH DESAI for Respondent No. 5  
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CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 14/09/98

ORALORDER

Leave to delete University Grants Commission, New Delhi is granted as prayed by Mr. B.D.Karia, learned advocate.

Rule. Learned advocates for the respective respondent in each matter waive service of notice of Rule.

2. Since common question of law and facts are involved in all these matters, with the consent of all parties, these matters are being disposed of by this common judgment.

3. The petitioners who are the lecturers and principals of their respective college have approached this court with a common prayer for directing the respondents nos 1 and 2 i.e. State of Gujarat as well as the Commissioner for Higher Education of the Government of Gujarat to make payment of arrears of salary on the basis of Mehrotra Pay Commission recommendations with effect from 1.1.1986 till the date from which the current salary is being paid to the petitioners with running interest at the rate of 18% per annum from the date of the said amount was withheld from the petitioners i.e. at least from the date on which the said amount was paid to the teachers of affiliated colleges of other faculties, till the date of payment to the petitioners.

4. It is the case of the petitioners in all these

petitions that they are entitled to get the revised pay scale of teachers of Universities and Colleges as per the recommendations of Mehrotra Pay Commission with effect from 1.1.1986. Government of India framed a Scheme which is to be implemented through the University Grants Commission and accordingly the difference in the revised pay scale was to be paid to the petitioners by the State Government with effect from 1.1.1986. On 14.9.98, Government of Gujarat in its Education Department issued a Resolution sanctioning revised pay scale as per the Mehrotra Pay Commission recommendation. It is further the case of the petitioners that on 19.3.1991, Government of Gujarat issued a Resolution confirming that the teachers of non Government Law Colleges will also be given the pay scales as per the recommendations of Mehrotra Pay Commission and also called for the details of the pay scales of teachers. The State Government agreed to pay the arrears of pay scales to the teachers with effect from 23.8.1991 and accordingly by a letter dated 21.4.1992 Government of Gujarat in its Education Department requested the Commissioner of Higher Education to take necessary action for complying with the recommendations of Mehrotra Pay Commission from 1.1.1986. Therefore, the grievance of the petitioners is that when the Government of Gujarat has taken a decision to pay the arrears of pay and allowances as per the recommendations of Mehrotra Pay Commission as back as 23.8.91, said decision has not been implemented by the Government and therefore, these petitions have been filed claiming the relief already stated hereinabove.

5. This Court in number of petitions of similar nature i.e. SCA Nos. 1919/92, 9628/92, 1176/93 and 837/94 directed the respondent authorities to pay to the concerned petitioners the difference in arrears of pay and allowance of the revised pay scale i.e. the pay and allowance actually paid to the petitioners from 1.1.86 to 5.7.1990. In view of this, in my opinion, the petitioners herein are entitled to the relief as has been granted in the above mentioned SCAs.

6. In the result, all these petitions are allowed. The respondent authorities are directed to pay to the petitioners the difference in arrears of pay and other allowances between the revised pay scale i.e. the pay and allowances actually paid to them for the period from 1.1.1986 to 5.7.90 within four weeks from the date of receipt of the writ of this court. Rule is made absolute to the above extent in all the petitions. No order as to costs.

(K.R.Vyas.J)